



200 Pennsylvania Avenue, NW  
Washington, DC 20037-3213  
T 202.293.7060  
F 202.293.7860

**RECEIVED  
CENTRAL FAX CENTER**

[www.sughrue.com](http://www.sughrue.com)

JUL 21 2005

**FAX**

Date	July 21, 2005		
To	Examiner Susan F. Rayyan		
Of	PTO Group Art Unit 2167		
Fax	703-872-9306		
From	J. Warren Lytle, Jr.		
Subject	Response to Final Office Action		
Our Ref	A8508	Appn No	10/082,327
Conf No	3782	Inventors	John M. GARTH, et al.
Pages	<u>3 (including cover sheet)</u>		

Please call attention to problems with this transmission by return fax or telephone. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

This fax filing includes:

1. This cover sheet
2. Notice of Appeal (in duplicate)
3. Petition for Extension of Time (in duplicate)

RECEIVED  
OPE/IAP  
JUL 22 2005

**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Susan F. Rayyan at the Patent and Trademark Office on July 21, 2005 at 703-872-9306.

Respectfully submitted,

*Stephanie Hogan*  
Stephanie Hogan

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8508

**RECEIVED**  
**CENTRAL FAX CENTER**

John M. GARTH, et al.

JUL 21 2005

Appln. No.: 10/082,327

Group Art Unit: 2167

Confirmation No.: 3782

Examiner: Susan F. Rayyan

Filed: February 26, 2002

For: **SYSTEM AND METHOD FOR PREDICTING EXECUTION TIME OF A DATABASE  
UTILITY COMMAND**

**NOTICE OF APPEAL**

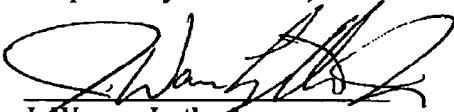
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated March 21, 2005.

Please charge the deposit account for the statutory fee of \$500.00. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



J. Warren Lytle, Jr.  
Registration No. 39,283

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: July 21, 2005

07/22/2005 KBETEMA1 00000009 194880 10082327

01 FC:1401 500.00 DA